

REMARKS

Claims 1-25 and 27-29 are pending in this application. By this Amendment, claims 1, 3, 14, 20 and 21 are amended, new claims 28-29 are added and claim 26 is canceled without prejudice or disclaimer. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 21-25 under U.S.C. 102(e) over U.S. Patent 6,317,609 to Alperovich et al. (hereafter Alperovich). The Office Action also rejects claims 1-17, 19-20 and 27 under 35 U.S.C. 103(a) over Alperovich in view of U.S. Patent 6,061,566 to Friman. Still further, the Office Action rejects claim 18 under 35 U.S.C. §103(a) over Alperovich and Friman and further in view of U.S. Patent 6,493,553 to Rollender. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites setting up a control path and transferring bearer information through the set up control path. Independent claim 1 also recites setting up a bearer path between the origination BSC and the termination BSC by using the bearer information. Still further, independent claim 1 recites transferring real time video data of at least one of the origination side mobile station and the termination side mobile station between the origination BSC and the termination BSC through the set up bearer path without using traffic resources of the MSC.

Alperovich relates to a procedure for setting up a call connection by routing between MSCs of different networks. Stated differently, Alperovich relates to routing for general call

connection between different networks. This does not relate to setting up a direct path between BSCs in one network managed by one MSC. More specifically, Alperovich does not teach or suggest setting up a bearer path between the originating BSC and the termination BSC by using the bearer information.

The Office Action states (on page 5) that Alperovich does not specifically teach the transfer of real time video data through a set up bearer path without using traffic resources of the MSC. The Office Action then relies on Friman as teaching to avoid using traffic resources for the MSC by directly switching a network connection between two base stations. However, applicant respectfully submits that Alperovich may not be modified as suggested in the Office Action. Thus, the alleged combination does not teach or suggest all the claimed features.

Friman relates to an internal switch of a base station controller that may be switched when two mobile stations are located in the same area of the same base station system. See col. 4, line 66-col. 5, line 9. However, there is no suggestion of how this feature may be provided within Alperovich's Fig. 4. That is, Alperovich's Fig. 4 relates to base stations that are located apart from each other. There is no suggestion for making a connection between Alperovich's BSC 23a and BSC 23b when two mobile stations are located in a same area of a same base station system. That is, the Office Action appears to suggest that it would have been obvious to include an internal switch on BSC 23a to connect to the BSC 23b. However, there is no suggestion for this modification. Rather, the only suggestion for this modification appears to be from applicant's own specification. This is impermissible hindsight.

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Even further, Friman's internal switch operates when two mobile stations are located in a same area. There is no suggestion of how Alperovich's BSC 23a would transfer "real time video data." In other words, Friman's switch, at best, would only be provided to switch to a link based on location of mobile stations. Thus, there is no suggestion for avoiding Alperovich's MSC when transferring real time video data.

Additionally, even if Alperovich were modified as suggested, the combination still does not teach or suggest all the features of independent claim 1. That is, the alleged combination does not teach or suggest setting up a bearer path between the origination BSC and the termination BSC by using the bearer information. Furthermore, the alleged combination does not teach or suggest transferring real time video data of at least one of the origination side mobile station and the termination side mobile station between the origination BSC and the termination BSC through the set up bearer path without using traffic resources of the MSC.

For at least the reasons set forth above, the applied references do not teach or suggest all the features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 14 recites that bearer information to set up the bearer path is transferred between the origination BSC and the termination BSC through control paths between the origination BSC, the termination BSC and the MSC, the control paths being different than the bearer path. Independent claim 14 also recites that real time video data of at least one of the origination device and the termination device is transferred between the

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origination BSC and the termination BSC through the formed direct bearer channel without using traffic resources of the MSC. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 14. Thus, independent claim 14 defines patentable subject matter.

Still further, independent claim 20 recites that bearer information to establish the direct link is transferred between the origination BSC and the termination BSC through control paths between the origination BSC, the termination BSC and the MSC, the control paths being different than the direct link. Independent claim 20 also recites that the real time video data of at least one of the origination and termination mobile stations is transferred between the origination BSC and the termination BSC through the direct link without setting up a traffic path through the MSC. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 20. Thus, independent claim 20 defines patentable subject matter.

Still further, independent claim 21 recites transferring bearer information along control paths between an origination base station controller (BSC) and a termination BSC through the set up call to set up a bearer path between the origination and termination BSC, portions of the control paths being different than the bearer path. Still further, independent claim 21 recites that transferring the bearer information includes transferring bearer information of the termination BSC to the origination BSC along the control paths, and transferring a response to the bearer information from the origination BSC to the termination BSC, to form the bearer path.

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Independent claim 21 also recites transferring real time video data of at least one of the origination side mobile station and the termination side mobile station between the origination BSC and the termination BSC through the set up bearer path. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 21. Accordingly, independent claim 21 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 14, 20 and 21 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-25 and 27-29 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

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Date: April 13, 2006

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